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May 28, 2020

BY ECF

Hon. P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: USA v. Virgil Griffith (Case No. 1:20-cr-00015-PKC)

Dear Judge Castel:

On behalf of defendant Virgil Griffith, and in light of this Court's Order today, we write to clarify that Mr. Griffith did not object to providing the government with his two Ex Parte and In Camera Applications for Rule 17(c) subpoenas (collectively, the "Sealed Materials") so that the government could evaluate its position as to their public filing. In sum, Mr. Griffith did not oppose disclosure either to the government or to the public, but believed that an order from this Court was required to permit any disclosure.

By way of background, at the May 18, 2020 conference, we informed the Court of our intention to file a motion to dismiss the indictment for improper venue, referencing the Sealed Materials. Later that day, a member of the media requested the disclosure of the materials, and the Court directed the parties to confer and to inform the Court of their positions. (Dkt. No. 34.)

On May 20, 2020, we informed the government that we did not oppose the public disclosure of the materials. In considering its position, the government requested copies of the Sealed Materials to determine "if they implicate any national security issues." In response, we informed the government that we had no objection but did not believe we could provide them to the government without a court order because they had been ordered filed ex parte/in camera/under seal. On May 21, 2020, the government submitted its request to the Court for a limited unsealing order to allow it to review the Sealed Materials.

We have promptly complied with the Court's Order today by transmitting the Sealed Materials to the government.

We regret any confusion and are available to answer any questions the Court may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Keri Curtis Axel". The signature is fluid and cursive, with the first name "Keri" being the most prominent.

Keri Curtis Axel (admitted *pro hac vice*)
Baker Marquart LLP
Attorneys for Virgil Griffith